

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOANG-NAM DIEU,

Defendant.

NO. CR04-116-TSZ

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on June 2, 2010. The United States was represented by Assistant United States Attorney Douglas Whalley, and the defendant by Peter Mazzone. The proceedings were digitally recorded.

The defendant had been charged and convicted of Conspiracy to Distribute MDMA, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C) and 846. On or about August 27, 2004, defendant was sentenced by the Honorable Thomas S. Zilly to a term of 51 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse program, financial disclosure, search and no association with known gang members.

SUMMARY REPORT OF U.S. MAGISTRATE
JUDGE AS TO ALLEGED VIOLATIONS OF
SUPERVISED RELEASE - 1

1 In a Petition for Warrant or Summons dated March 31, 2010, U.S. Probation Officer
2 Jennifer J. Tien asserted the following violations by defendant of the conditions of his
3 supervised release:

- 4 (1) Using marijuana and ecstasy on or before November 16, 2009, in violation of
5 standard condition number 7.
- 6 (2) Using marijuana on or before February 15, 2010, in violation of standard
7 condition number 7.
- 8 (3) Using marijuana on or before March 5, 2010, in violation of standard condition
9 number 7.
- 10 (4) Failing to report for drug testing on March 2, March 19, and March 22, 2010, in
11 violation of special condition of drug aftercare.
- 12 (5) Failing to report to Sound Mental Health on March 19, 2010, as directed, in
13 violation of the special condition that he participate in a program for the
14 treatment of chemical dependency.
- 15 (6) Failing to report to the probation office on March 26, 2010, as directed by his
16 probation officer, in violation of standard condition number 2.

17 On May 27, 2010, defendant made his initial appearance. The defendant was advised
18 of the allegations and advised of his rights. On June 2, 2010, this matter came before the Court
19 for an evidentiary hearing. Defendant admitted to violations 1, 2, 3, 4, 5 and 6.

20 I therefore recommend that the Court find the defendant to have violated the terms and
21 conditions of his supervised release as alleged in violations 1, 2, 3, 4, 5 and 6, and that the
22 Court conduct a hearing limited to disposition. A disposition hearing on these violations has
23 been set before the Honorable Thomas S. Zilly on June 24, 2010 at 1:30 p.m.

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1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 2nd day of June, 2010.

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4 JAMES P. DONOHUE

5 United States Magistrate Judge

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8 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Douglas Whalley
9 Defendant's attorney: Peter Mazzone
10 Probation officer: Jennifer J. Tien
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